



1545

PATENT
ATTORNEY DOCKET NO.: 057309-5022-US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
David W. PASCUAL)	
)	
Application No.: 10/660,787)	Group Art Unit: 1645
)	
Filed: September 12, 2003)	Examiner: (Unassigned).
)	
For: M CELL DIRECTED VACCINES)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

TRANSMITTAL FORM

1. Transmitted herewith is:
2. Additional papers enclosed:

- ☒ Information Disclosure Statement
- ☒ Form PTO-1449

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

No fee is believed to be due at this time.

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

Appln. No. 10/660,787
Atty. Dkt. No. 057309-5022-US01

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 19, 2003

By: *Bonnie Weiss McLeod*
Bonnie Weiss McLeod
Reg. No. 43,255

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David W. PASCUAL)	
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Application No.: 10/660,787)	Group Art Unit: 1645
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Filed: September 12, 2003)	Examiner: Unassigned
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U.S. Patent and Trademark Office
2011 South Clark Place
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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The above-referenced application is related to prior Application No. 10/169,492, filed October 21, 2002. Under the provision of 37 C.F.R. § 1.98(d), the Examiner's attention is respectfully directed to the art of record in the related application and, thus, copies of the references are not being submitted. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are

material or constitute "prior art." If it should be determined that any of the listed documents do constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

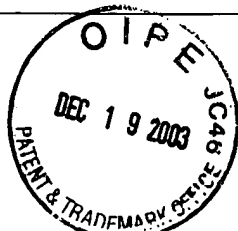
MORGAN, LEWIS & BOCKIUS LLP



Bonnie Weiss McLeod
Reg. No. 43,255

Dated: December 19, 2003

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 739-3000 phone
(202) 739-3001 fax



Atty. Dkt. No.	M#	Client Ref.
	057309-5022-US01	

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

Applicant: David W. PASCUAL	
Appln. No.: 10/660,787	
Filing Date: September 12, 2003	
Examiner: (Unassigned)	Group Art Unit: 1645

Date: December 19, 2003 Page 1 of 2

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR 5,972,707	10/1999	Roy et al	435	455	
	BR 6,187,335	02/2001	Brey et al	424	450	

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name		English Abstract		Translation Readily Available	
						Enclosed	No	Enclose	No
	CR WO 01/22995	04/2001	PCT	De Jongh et al	A61K	X			

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	DR	Ermak et al, Advanced Drug Delivery Reviews, 34:261-283 (1998)	X		
	ER	Frey et al, Behring Inst. Mitt. No. 98:376-389 (1997)	X		
	FR	Wagner et al, Proc. Natl. Acad. Sci. USA, 87:3410-3414 (May, 1990)	X		
	GR	Neutra et al, Mucosal Vaccines, "Antigen uptake by M Cells for Effective Mucosal Vaccines", 41-55 (1996)	X		
	HR	Giannasca et al, Infection and Immunity, 65(10):4288-4298 (1997)	X		
	IR	Wu et al, Gene Therapy, 7:61-69 (2000)	X		
	JR	Haddad et al, Faseb Journal, 14(6):A1204 (April 20, 2000)	X		
	KR	Wang et al, Faseb Journal, 14(6):A1204 (April 20, 2000)	X		
	LR	Burritt et al, Analytical Biochemistry, 238:1-13 (1996)	X		
	MR	Li, Nat. Biotechnol., 18(12):1281-1256 (2000)	X		
	NR	Scott et al, Science, 249:386-390	X		
	OR	de la Cruz et al, The Journal of Biological Chemistry, 283(9):4318 (1968) (Abstract)	X		
	PR	Phalipon et al, Eur. J. Immunol, 10:2620 (1997) (Abstract)	X		
	QR	Pincus et al, J. Immunol., 160(1):293-298 (1998)	X		
	RR	Grabowska et al, Virology, 269:47-53 (2000) (Abstract)	X		
	SR	Arnon et al, Immunol. 101:555-62 (2000) (Abstract)	X		
	TR	Qiu et al, Hybridoma, 18:103-112 (1999) (Abstract)	X		
	UR	Kieber-Emmons et al, J. Immuno., 165:623-627 (2000)	X		
	VR	Shroff et al, Pharm. Sci. Tech. Today, 2:205-212 (1999)	X		
	WR	Lee et al, Ann. Med., 30:460-468 (1998)	X		
	XR	Van Ginkel et al, Emerg. Infect. Dis., 6(2):123-132 (2000)	X		
	YR	Yip et al, Comb. Chem. High Throughput Screen., 2(3):125-38 (June 2, 1999) (Abstract)	X		
	ZR	Felici et al, Biotechnol. Annu. Rev., 1:149-83 (1995) (Abstract)	X		

Examiner	Date Considered:
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)
To: U.S. Department of Commerce
(PW FORM PAT-1449)
Patent and Trademark Office

Atty.
Dkt. No.

M#

Client Ref.

057309-5022-US01

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

Applicant: David W. PASCUAL

Appln. No.: 10/660,787

Filing Date: September 12, 2003

Date: December 19, 2003

Page

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of

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Examiner: (Unassigned)

Group Art Unit: 1645

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR					
	BR					

FOREIGN PATENT DOCUMENTS

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract	Translation Readily Available
				Enclosed	No
				Enclose	No
CR					

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

DR	Renkvist et al, Cancer Immuno. Immunotherapy, 50:3-15 (2001)	X
ER	Parmley and Smith, Gene, 73:305-18 (1988) (Abstract)	X
FR	Maj et al, Proetin signma 1-mediated DNA immunization against HIV, FASEB J., 15(4):A364 (March 7, 2001) (Abstract)	X
GR	International Search Report, PCT/US01/00426	X
HR	International Search Report, PCT/US02/07254	X
IR		
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